



INTEROFFICE CORRESPONDENCE

DATE: January 14, 1994

TO: H. P. Mann, General Manager, Bldg. 111, X4361

FROM:  P. W. Swenson, Program Integration, T130D, X7211

SUBJECT: STATUS OF INTERAGENCY AGREEMENT (IAG) REEVALUATION AND MEETING
MINUTES FOR JANUARY 14, 1994 - PWS-013-94

Attached are minutes from the January 14, 1994 meeting, between the Department of Energy, Rocky Flats Office, the Environmental Protection Agency, Region VIII, and the Colorado Department of Health, concerning the reevaluation of the existing Interagency Agreement.

ahb

Attachment:
As Stated

cc:

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**INTERAGENCY AGREEMENT (IAG)
MEETING ATTENDEES
January 14, 1994**

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Peter Ornstein
Lou Johnson
Martin Hestmark

COLORADO DEPARTMENT OF HEALTH (CDH)

Joan Sowinski
Gary Baughman
Joe Schieffelin

DEPARTMENT OF ENERGY (DOE)

Joe Weinand
Dave Brockman
Mell Roy
Richard Schassburger

EG&G ROCKY FLATS, INC.

Peter Swenson

**AGENDA
January 14, 1994**

1. Continue Review of Principles
2. Wrap-up

**INTERAGENCY AGREEMENT (IAG)
MEETING MINUTES
January 14, 1994**

- The two previously tabled issues were discussed. CDH did not yet have an established position. These two remaining issues will be discussed at the meeting between the principals on January 18, 1994.

- Issue

The agreement should allow flexibility to accomplish efficient cleanup at Rocky Flats. It must also remain effective enforcement vehicle. Negotiation should pursue some type of milestone schedule that allows for periodic review of the milestones while retaining some milestone schedule framework. The agreement also needs to include a mechanism to account for changing circumstances.

Discussion

EPA expressed the opinion that the existing agreement is adequately flexible. DOE stated that the agreement should be more of a management document. All parties seemed to agree that a "Rolling three year schedule" of enforceable milestones with goals for all out years would be the type of schedule that negotiations would develop.

EPA proposed alternate language:

The agreement should allow flexibility to accomplish efficient cleanup at Rocky Flats. It must also remain an effective enforcement vehicle. Negotiations should accommodate flexibility while retaining a milestone schedule framework.

This was agreed to by all parties.

- Issue

Future site use and cleanup are closely intertwined. Cleanup must be consistent with the projected future use of the site and vice versa. A future site use determination process that avoids the implementation of unsubstantiated or conservative risk criteria, and unrealistic cleanup goals, should be included in the amended agreement.

Discussion

EPA expressed an opinion that risk assessment methodology was at the core of this issue. Both CDH and EPA believe that "unrestricted use" scenarios must be analyzed for all baseline risk assessments under the IAG. They believe that this must be done in order to be able to consider the feasibility, cost effectiveness, and desirability of the various cleanup options. They also believe that this is the intent of the requirement in the National Contingency Plan.

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DOE believes that land use planning for future site use should be the first step in the process that limits the scope of the scenarios analyzed for risk assessments, and that always doing "unrestricted use scenario" risk analysis wastes time and dollars, since many of the areas under discussion realistically will never achieve an "unrestricted use" state.

CDH and DOE proposed alternate language:

Recognizing that future site use and cleanup are closely intertwined. Risk assessment and risk management will be appropriately considered during negotiations

This was agreed to by all parties

• Issue

Recognition that the Rocky Flats Plant is an NPL site and the degree and extent of application of the CERCLA process to specific buildings, structures and equipment will be subject to negotiations.

Discussion

EPA's essential position on this issue is that the entire Rocky Flats site, including all buildings, material, and land is subject to EPA jurisdiction under CERCLA. EPA feels that they have been stonewalled on D&D and Transition activities, and that EPA will not settle for that level of involvement. EPA stated that on an NPL site, any activity that poses a threat to human health and environment is subject to EPA jurisdiction under CERCLA, and should be enforced through the IAG. EPA stated that the change in the plant mission is the only reason for renegotiation of the IAG, and that they believe that the mission change makes "everything on the site a waste" (M. Hestmark).

Following discussion, the following alternate wording was proposed.

The Rocky Flats Plant is an NPL site subject to CERCLA and RCRA and therefore it is recognized that the scope of the agreement will increase. The degree and extent of how the RCRA/CERCLA processes are applied to specific buildings, structures, materials and equipment will be subject to negotiations.

This was agreed to by all parties

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- Issue

Long-term storage of off-site wastes from other DOE facilities is not planned at the Rocky Flats Plant, except as specifically provided by orders or agreements pursuant to FFC Act requirements or National Conversion Pilot Program. The use of limited quantities of wastes from other sites for technology development will be subject to regulatory approval.

- Discussion

DOE stated that they can accept this as stated.

- CDH proposed alternate wording:

Long-term storage of off-site wastes will not be allowed at the Rocky Flats Plant, except as specifically approved by CDH/EPA through orders, permits or agreements, such as those pursuant to FFC Act requirements or under the NCPP. The use of limited quantities of wastes from other sites for technology development will be subject to CDH/EPA approval.

This was agreed to by all parties

- Wrap-Up

- Further discussion was held on the two tabled issues, and again, it was decided that they will be discussed by the Principals on Tuesday, January 18, 1994
- The group made editorial changes to all of the principles, and agreed that they would be renumbered to reflect those that were deleted and combined.

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